UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET

CR No.	**15-1285-003 JB**	USA v.	**Michael Shirley**
Date:	**1/24/17**	Name of Deft:	**Michael Shirley**
Before the Honorable	**James O. Browning**		

Time In/Out:	**2:09 p.m./2:32 p.m.**			Total Time in Court:	**:23**		
Clerk:	**K. Wild**			Court Reporter:	**J. Bean**		
AUSA:	**Niki Tapia-Brito/Nicholas Marshall**			Defendant's Counsel:	**Charles Fisher (Appointed)**		
Sentencing in:	**ABQ**			Interpreter:	**N/A**		
Probation Officer:	**Carmen Chavez**			Sworn?		Yes		No
Convicted on:	X	Plea		Verdict	As to:	X	Information		Indictment
Plea:		Accepted		Not Accepted	Adjudged/Found Guilty on Counts:				
Plea Agreement:		Accepted		Not Accepted	No Plea Agreement	Comments:			
Date of Plea:	**September 21, 2016**				PSR:	X	Not Disputed		Disputed
PSR:	X	Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own			Evidentiary Hearing:	X	Not Needed		Needed
Exceptions to PSR:	**None**								

SENTENCE IMPOSED	Imprisonment (BOP): **63 months**				
Supervised Release:	**3 years**	Probation:		X	500-Hour Drug Program

SPECIAL CONDITIONS OF SUPERVISION

	No re-entry without legal authorization		Home confinement for _____ months _____ days
	Comply with ICE laws and regulations	X	Community service for **20 hours**
	ICE to begin removal immediately or during sentence		Reside halfway house _____ months _____ days
X	Participate in substance abuse treatment program		Register as sex offender
X	Participate in outpatient mental health treatment program		Participate in sex offender treatment program
X	No alcohol		Possess no sexual material
X	Submit to search of person/property		No computer with access to online services
X	No contact with ***victim(s)*** and/or ***co-Deft(s)/co-conspirators***		No contact with children under 18 years
	No entering, or loitering near, victim's		No volunteering where children supervised
	Provide financial information		Restricted from occupation with access to
	Grant limited waiver of confidentiality		No loitering within 100 feet of school yards
X	OTHER: --**Substance abuse testing** --**Take all mental health medications prescribed** --**Community based program re: domestic violence prevention**		

Fine: $	**0.00**	Restitution: $	**4,366.76 (Pursuant to the Mandatory Victim Restitution Act, it is further ordered that the Defendant will make restitution to the Crime Victim's Reparation Commission in the amount $4,366.76 to be paid jointly and severally with the other defendants. Restitution shall be submitted to the Clerk of the Court, Attention: Intake, 333 Lomas Blvd., N.W., Suite 270, Albuquerque, New Mexico 87102, to then be forwarded to the victim(s). The restitution will be paid in monthly installments of no less than $100.00.)**			
SPA: $	**100.00**	Payment Schedule:	X	Due Immediately		Waived
OTHER:						

X	Advised of Right to Appeal	**X**	Waived Appeal Rights per Plea Agreement
X	Held in Custody		Voluntary Surrender
X	Recommended place(s) of incarceration:		**The Court first recommends FCI Phoenix, AZ and secondarily recommends FCI Safford, AZ, if eligible.**
X	Dismissed Counts:		**AUSA tenders written motion and proposed form of order to dismiss Indictment; Court grants/signs.**

OTHER COMMENTS	Court confirms Addendum has resolved all objections; defense counsel confirms. AUSA tenders written motion and proposed form of order for third level reduction based on acceptance; Court grant/signs. Defense counsel addresses Court – requests 51 month sentence – explains course of plea negotiations – informs when negotiated plea included 2 level enhancement and at that time believed low end of range would be 63 months – given USPO has determined 2 level enhancement is not appropriate, believe the low end of the now applicable range of 51 months would be an appropriate sentence – argues inequitable in comparison to the prescribed sentence for Maynard Shirley; AUSA responds – does not have same recollection as defense counsel – believe request is for a departure that is not permitted under terms of plea agreement; Court confirms Defendant is not seeking to withdraw from plea agreement; defense counsel confirms and addresses Court further. Defendant allocutes. Court confirms Govt. wishes Court to accept plea agreement? AUSA confirms. Court accepts plea agreement – provides findings to support imposition of special conditions. AUSA tenders written motion and proposed form of order to dismiss Indictment; Court grants/signs. Defense counsel requests recommendation to FCI Phoenix, AZ or FCI Safford, AZ; USPO informs appropriate recommendations; Court recommends same in order requested.